

CORRES. CONTROL
OUTGOING LTR NO.

DOE ORDER #

OSRF 01062



KAISER • HILL
C O M P A N Y

DIST.	LTR	ENC
CROCKETT, G.A.	X	
FERRERA, D.W.		
GIACOMINI, J. J.		
LINDSAY, D. C.	X	
LONG, J.W.		
SHELTON, D.C.		
TUOR, N.R.	X	
DEGENHART, K	X	
BUCKNER, A.L.		
WURSTER, B.M.		
<i>Cirella</i>	X	
<i>Geradine</i>	X	
COR. CONTROL	X	
ADMN. RECORD	X	
WASTE REC. CTR.		
TRAFFIC		
PATS/130		
CLASSIFICATION:		
UCNI		
UNCLASSIFIED		
CONFIDENTIAL		
SECRET		

AUTHORIZED CLASSIFIER

Date

IN REPLY TO RFP CC
NO:

ACTION ITEM STATUS

☐ PARTIAL/OPEN

☐ CLOSED

LTR APPROVALS:

ORIG & TYPIST INITIALS

KD/plh

December 22, 2005

05-RF-01062

Charles A. Dan, Jr.
Contracting Officer
DOE, RFPO

KAISER-HILL COMPANY, LLC (KAISER-HILL) POST-CLOSURE ACCESS TO
RECORDS, DATABASES AND APPLICATIONS – GAC-138-05

Ref: (1) Gregg A. Crockett Letter (05-RF-00858) to Charles A. Dan, Jr., Summary of
Kaiser-Hill Company, LLC's (Kaiser-Hill) Activities After Declaration of Physical
Completion, September 14, 2005

(2) Charles A. Dan, Jr. Letter (00517-RF-05) to Gregg A. Crockett, Agreement on
Close-Out Plan, October 14, 2005

Dear Mr. Dan:

Kaiser-Hill has declared physical completion of Contract DE-AC34-00RF01904 (Closure Contract), and the Department of Energy (DOE) has accepted physical completion. As such, Kaiser-Hill is responsible for the completion of the activities set forth in the Post Declaration of Physical Completion—Closeout Plan, as set forth in the referenced correspondence. In addition, Kaiser-Hill is responsible for completing its closeout of Contract DE-AC34-95RF00825, the Performance Based Integrating Management Contract (PBIMC) that preceded the Closure Contract. In order to meet these continuing obligations under the above cited contracts, Kaiser-Hill will need continuing access to Government records, databases and applications.

Clause I-116 of the Closure Contract (DEAR 970-5204-79, Access to and Ownership of Records (June 1997)) defines the rights to ownership of all records acquired or generated by Kaiser-Hill in the performance of the Closure Contract. A similar clause was also in the PBIMC. In addition, in anticipation of completion of the Closure Contract, the parties have engaged in continuing meetings which also included the DOE Office of Legacy Management (LM) and the DOE Office of Environmental Management (EM) Consolidated Business Center (CBC) regarding the transfer and disposition of records, databases and applications generated at RFETS. To this end, DOE LM and DOE CBC have established a Memorandum of Understanding (MOU) to formalize the terms and conditions for access, use, protection, and disposition of RFETS legacy records and information and litigation related databases and records. Finally, Kaiser-Hill, RFPO, LM and EMCBC have been engaged in a series of meetings documenting the agreed upon disposition of the many databases and software applications used at RFETS to achieve closure.

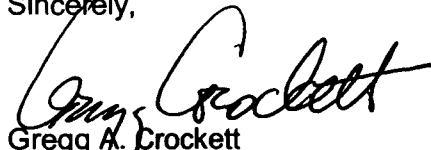
December 22, 2005
Charles A. Dan, Jr.
GAC-138-05
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Consistent with the above authorities, Kaiser-Hill is requesting your confirmation that it will continue to have access to Government records, databases and software applications necessary to fulfill its contractual obligations to DOE and to protect its future corporate interests in the event it is subsequently involved in litigation associated with the performance of duties of the Closure Contract and the PBIMC. It is also requested that Kaiser-Hill continue to be provided access to, and copies of, on a non-interference basis, any and all reasonably related records, documents, and applications required to perform the activities described above. After completion of closeout, DOE shall continue to provide Kaiser-Hill access, on a non-interference basis to Government records, including any employment records, including the right to make copies thereof, in connection with any proceedings relating to, or arising out of, such employees' employment by Kaiser-Hill. Nothing described herein shall constitute a commitment on the part of DOE to retain records beyond DOE's customary retention period. However, on a quarterly basis beginning in January 2006, it is anticipated that DOE will provide Kaiser-Hill with copies of all Notices of Disposition/Destruction of Site Records from the Federal Records Center, or any commercial facility where such records are stored. Kaiser-Hill will thereafter be afforded a reasonable opportunity to review the subject records prior to destruction. Furthermore, Kaiser-Hill will be afforded reasonable opportunity to take custody of all or part of any documents that would otherwise be destroyed.

In addition to the above, it is requested that when judged necessary by Kaiser-Hill due to actual or threatened litigation, regulatory matters, or third party claims and subject to applicable rules and regulations, Kaiser-Hill shall have the right to collect and have analysis performed on environmental samples taken at appropriate locations on RFETS, and Kaiser-Hill and the DOE shall have the right to review and copy the results of samples taken by the other. Each party shall have the right to split samples with the other.

The above described agreements are consistent with the agreements documented in the Three Party Transfer Agreement executed by the United States Department of Energy, EG&G Rocky Flats, Inc., and Kaiser-Hill in June, 1995, when Kaiser-Hill assumed responsibility for operation of RFETS from EG&G Rocky Flats, Inc. However, since there is no third-party contractor assuming site responsibilities in this instance, Kaiser-Hill is seeking DOE's commitment to provide Kaiser-Hill with the same access afforded its predecessor contractors.

Sincerely,



Gregg A. Crockett
Director of Administration and Chief Financial Officer

KRD:plh

